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Illinois Commerce commission  
RAIL SAFETY SECTION

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CITY OF DES PLAINES, an Illinois  
Municipal Corporation,

Petitioner,

v.

UNION PACIFIC RAILROAD  
COMPANY, WISCONSIN CENTRAL LTD.  
and ILLINOIS DEPARTMENT OF  
TRANSPORTATION,

Respondents,

IN THE MATTER OF THE PETITION  
OF THE CITY OF DES PLAINES FOR  
AN ORDER OF THE ILLINOIS  
COMMERCE COMMISSION TO  
REQUIRE INSTALLATION OF SAFETY  
DEVICES AT A RAILROAD BRIDGE  
OVERPASS IN THE CITY OF DES  
PLAINES, COOK COUNTY, ILLINOIS.

T01-0039

**VERIFIED ANSWER OF  
WISCONSIN CENTRAL LTD.**

**TO: THE ILLINOIS COMMERCE COMMISSION**

Wisconsin Central Ltd. ("WCL") respectfully answers the Petition of the City of Des  
Plaines as follows.

1. WCL lacks sufficient information to form a basis for admitting or denying the  
allegations contained in Paragraph 1 of the Petition.
2. WCL lacks sufficient information to form a basis for admitting or denying the  
allegations contained in Paragraph 2 of the Petition.

**DOCKETED**

3. WCL admits that it does business in the State of Illinois as a common carrier by rail and that it has its principal office at 6250 N. River Road, Suite 9000, Rosemont, Illinois 60018. WCL denies that it is subject to the Public Utilities Act of Illinois.

4. WCL lacks sufficient information to form a basis for admitting or denying the allegations contained in Paragraph 4 of the Petition.

5. WCL lacks sufficient information to form a basis for admitting or denying the allegations contained in Paragraph 5 of the Petition.

6. WCL admits that it operates rail traffic through the City of Des Plaines. WCL lacks sufficient information to form a basis for admitting or denying the remaining allegations contained in Paragraph 6 of the Petition.

7. WCL lacks sufficient information to form a basis for admitting or denying the allegations contained in Paragraph 7 of the Petition.

8. WCL lacks sufficient information to form a basis for admitting or denying the allegations contained in Paragraph 8 of the Petition.

9. WCL lacks sufficient information to form a basis for admitting or denying the allegations contained in Paragraph 9 of the Petition.

10. WCL lacks sufficient information to form a basis for denying or admitting the allegations contained in Paragraph 10 of the Petition.

11. WCL lacks sufficient information to form a basis for admitting or denying the allegations contained in Paragraph 11 of the Petition.

12. WCL admits that 625 ILCS §5/18c-7401(3) states in part:

The Commission shall also have power by its order to require the reconstruction, minor alteration, minor relocation or improvement of any crossing (including the necessary highway approaches thereto) of any railroad across any highway approaches thereto) of any railroad across any highway or public road, pedestrian bridge, or pedestrian subway,


whenever the Commission finds after a hearing or without a hearing as otherwise provided in this paragraph that such reconstruction, alteration, relocation or improvement is necessary to preserve or promote the safety or convenience of the public or of the employees or passengers of such rail carrier or carriers. By its original order or supplemental orders in such case, the Commission may direct such reconstruction, alteration, relocation or improvement to be made in such **manner** and upon such terms and conditions as may be reasonable and necessary and may apportion the cost of such reconstruction, alteration, relocation or improvement and the subsequent maintenance thereof, having regard to the benefits, if any, accruing to the railroad or any party in interest, between the rail carrier or carriers and public utilities affected, or between such carrier or carriers and public utilities and the State, county, municipality or other public authority in interest. The cost to be so apportioned shall include the cost of changes or alterations in the equipment of public utilities affected as well as the cost of the relocation, diversion or establishment of any public highway, made necessary by such reconstruction, alteration, relocation or improvement of said crossing. A hearing shall not be required in those instances when the Commission enters an order confirming a written stipulation in which the Commission, the public highway authority or other public authority in interest, the rail carrier or carriers affected, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation, agree on the reconstruction, alteration, relocation, or improvement and the subsequent maintenance thereof and the division of costs of such changes of any grade crossing (including the necessary highway approaches thereto) of any railroad across any highway, pedestrian bridge, or pedestrian subway.

WCL lacks sufficient information to form a basis for admitting or denying the other allegations contained in Paragraph 12 of the Petition.

13. WCL lacks sufficient information to form a basis for admitting or denying the allegations contained in Paragraph 13 of the Petition.

Respectfully submitted,

WISCONSIN CENTRAL LTD.  
an Illinois Corporation,

By:  Date: 7-2-01  
Michael J. Barron, Jr.  
Its Attorney  
P. O. Box 5062  
Rosemont, IL 60017-5062  
Phone: 847-384-5452

Fax: 847-384-5428  
e-mail: mjbarron@wclx.com  
Attorney No. 6228809

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF COOK        )        SS.

Robert G. Ward, being first duly sworn on oath, deposes and says that he is the Chief Engineer-Admin. for Wisconsin Central Ltd. and that he has read the foregoing Answer and that the facts stated therein are true and correct to the best of his knowledge, information and belief.

\* Robert G. Ward

SUBSCRIBED AND SWORN to  
before me this 28<sup>th</sup> day of  
June, 2001

Genise Martinez  
NOTARY PUBLIC



STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CITY OF DES PLAINES, an Illinois  
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Petitioner,

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WISCONSIN CENTRAL LTD., and ILLINOIS  
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COOK COUNTY, ILLINOIS.

Docket No. T01-0039

To: Edward R. Gower  
Chief Counsel  
Illinois Department of Transportation  
2300 S. Dirksen Parkway, Suite 300  
Springfield, IL 62764

David R. Wiltse  
City of Des Plaines  
1420 Miner Street  
Chicago, IL 60604  
Des Plaines, IL 60016

Mack H. Shumate, Jr.  
General Attorney  
Union Pacific Railroad Company  
101 N. Wacker, Suite 1920  
Chicago, IL 60606

**NOTICE OF FILING**

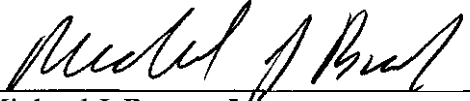
PLEASE TAKE NOTICE that on the 2<sup>nd</sup> day of July, 2001, Wisconsin Central Ltd. submitted for filing with the Illinois Commerce Commission, its Answer to the Verified Petition of the City of Des Plaines in the above docket, a copy of which is attached hereto.

  
Michael J. Barron, Jr.

Michael J. Barron, Jr.  
Wisconsin Central Ltd.  
P.O. Box 5062  
Rosemont, IL 60017-5062  
Phone: 847-384-5452  
Fax: 847-384-5428  
email: [mjbarron@wclx.com](mailto:mjbarron@wclx.com)  
Attorney No. 6228809

**CERTIFICATE OF SERVICE**

I certify that I served this Notice and attachments by delivering a copy to each person to whom it is directed or to their agent at Chicago, Illinois on July 2, 2001.

  
\_\_\_\_\_  
Michael J. Barron, Jr.